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TRUDI G. MANFREDO, Bar No. 166474
CHAPTER 7 TRUSTEE
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In the Matter of)	Case No. 13-15262-B-7
)	
)	Chapter 7
JACOB ERIC KIRBY,)	
)	TMT-2
)	
Debtor(s) .)	Date: February 26, 2014
)	Time: 10:00 a.m.
)	Dept.: B, Courtroom 12, Fresno
)	Honorable W. Richard Lee

MOTION TO SELL PERSONAL PROPERTY

Trudi G. Manfredo, Chapter 7 Trustee of the above-referenced bankruptcy estate ("Trustee") of JACOB ERIC KIRBY ("Debtor"), brings this Motion to Sell Personal Property and respectfully represents as follows:

1. Trustee is the duly appointed, qualified and acting Trustee of the above-referenced bankruptcy estate.

2. Debtor filed under Chapter 7 of the Bankruptcy Code on July 31, 2013, and an order for relief was entered.

3. This Court has jurisdiction over this proceeding under 28 U.S.C. §1334(a). This is a core proceeding under 28 U.S.C. §157(b) (2) (A). This motion is brought pursuant to 11 U.S.C. §363.

1 Venue is proper in this Court pursuant to 28 U.S.C. § 1409(a) by
2 virtue of the pendency of this case before the Court.

3 4. Among the assets of this bankruptcy estate is a 1998 Dodge
4 Ram, valued at \$500.00, a 1996 Ford F350, valued at \$500.00, a 1973
5 Ford Bronco, valued at \$250.00, a 1993 Harley Davidson valued at
6 \$2,000.00, and a 2006 Yamaha Motorcycle valued at \$1,000.00
7 ("Personal Property").

8 5. Trustee has received and accepted an offer from the Debtor
9 to purchase the Personal Property for a net to the estate of
10 \$3,250.00 as follows: the 1998 Dodge Ram for \$310.00, the 1996 Ford
11 F350 for \$310.00, the 1973 Ford Bronco for \$155.00, the 1993 Harley
12 Davidson for \$1,545.00 and the 2006 Yamaha Motorcycle for \$930.00.

13 6. Trustee believes that this is a fair and equitable price
14 for the Personal Property. Trustee believes the combined value of
15 the personal property is \$4,250.00. If the Trustee were to auction
16 the Personal Property at that value, after paying 15% commission of
17 \$637.50 and costs to haul, store and repair all 5 vehicles in the
18 amount of \$500.00, approximately \$3,112.50 would be generated to the
19 bankruptcy estate. Debtor has paid and Trustee is currently holding
20 \$3,250.00 for the Personal Property.

21 7. The price to be received at auction is never certain, and
22 the delay involved in auctioning these assets is not warranted.

23 8. There will be no adverse tax consequences to the estate as
24 a result of the sale.

25 9. Based on her business judgment, Trustee believes that the
26 sale of the above-described Personal Property is in the best interest
27 of the creditors of this estate and all parties in interest.

28 10. Trustee requests that the provisions of Bankruptcy Rule

1 6004(h) be waived.

2 WHEREFORE, Trustee prays

3 1. That the Motion be granted;

4 2. That the Court issue an order authorizing the Trustee to
5 sell the Estate's interest in the personal property back to the
6 Debtor as follows: the 1998 Dodge Ram, VIN 3B7HF13ZXWG174065, for
7 \$310.00, the 1996 Ford F350, VIN 2FTHF36F4TCA42408, for \$310.00, the
8 1973 Ford Bronco, VIN U15GLR57370, for \$155.00, the 1993 Harley
9 Davidson, VIN 1HD1BJL52PYU33085, for \$1,545.00 and the 2006 Yamaha
10 Motorcycle, VIN JYACJ10C26A002874, for \$930.00;

11 3. That the provisions of Bankruptcy Rule 6004(h) be waived;
12 and

13 4. For such other and further relief as the Court deems just
14 and proper.

15 DATED: 1-14-14

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17 By /s/ Trudi G. Manfredo
18 TRUDI G. MANFREDO,
19 Chapter 7 Trustee
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